

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|---------------------------------|---|--------------------------|
| DEBORA NOVAKOWSKI, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 04-356E |
| |) | |
| ELAINE CHAO, SECRETARY, AND THE |) | JUDGE McLAUGHLIN |
| UNITED STATES DEPARTMENT |) | |
| OF LABOR, |) | ELECTRONICALLY FILED |
| |) | |
| Defendants. |) | |

PRIVACY ACT PROTECTIVE ORDER

AND NOW, to wit, this _____ day of _____, 2006, upon consideration of Defendants' Motion for Protective Order and upon consideration of the grounds stated therefore, IT IS HEREBY ORDERED that Defendants' Motion is GRANTED.

Accordingly, in order to protect the privacy of employees (present and past) of the U.S. Department of Labor ("DOL") against the disclosure of information and records pertaining to them as specified by the provisions of the Privacy Act of 1974, 5 U.S.C. § 552a, and to allow the parties to release such documents and information without violating the provision of the Privacy Act,

IT IS HEREBY ORDERED pursuant to 5 U.S.C. § 552a(b)(11) and Rule 26(c) of the Federal Rules of Civil Procedure that:

1. This Order applies to, governs, and directs the disclosure in the course of this action of the documents and information relevant to the litigation from the files of the U.S. Department of Labor which are either covered by the Privacy Act

or which otherwise contain personal information regarding individuals other than Debora Novakowski. However, this Order neither addresses nor overrules any objections to discovery made pursuant to the Federal Rules of Civil Procedure. This Order does not relate or apply to documents or information not relevant to the litigation. This Order permits the DOL to produce information and records reasonably calculated to provide Ms. Novakowski, through her attorney, the discovery she seeks without requiring DOL officials or their representatives to prescreen each document or piece of information for Privacy Act objections and presenting those objections to this Court for a decision regarding disclosure.

2. The records or the information shall be disclosed by the DOL only to Ms. Novakowski, through her attorney. Ms. Novakowski's attorney shall be allowed to copy any such records but shall not disclose any such records, any information obtained from them, or any other information to any person unless such disclosure is reasonably calculated in good faith to aid in the preparation of prosecution of the instant litigation. Ms. Novakowski's attorney shall ensure that any person to whom disclosure may be made shall be provided with a copy of this Order and any such person shall be bound by the terms of this Order.

3. No person to whom a record covered by this Order is disclosed by Ms. Novakowski's attorney shall make a copy of the

record unless copying is necessary to aid in the preparation and trial of the instant litigation. Neither Ms. Novakowski's attorney, nor any individual to whom he may make disclosure, shall disclose a record covered under this Order, any information contained in or derived from such a record, or any other information except for the purposes of preparing for and prosecuting the instant litigation.

4. This Order pertains to any document(s) produced at any time during the litigation of this matter.

5. Upon conclusion of this action (including appeals), all copies of records (except copies of documents accepted into evidence) made pursuant to and protected by the terms of this Order shall within a reasonable period be returned to the DOL. Nothing in this Order constitutes any decision by the Court concerning discovery disputes, the admission into evidence of any specific document or piece of information, or liability for payment of any costs of production or reproduction; nor does the Order constitute a waiver by the DOL of its right to object to the discovery of or admission into evidence of any record or information subject to this Order during the pendency of this action.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

cc: All counsel of record